

LPA-791-2025

2025:PHHC:081680-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA-791-2025 (O&M)
Date of Decision: July 08, 2025**

Maharishi Dayanand University, Rohtak and othersAppellants

Versus

Pradeep Kumar Respondent

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Amit Rao, Advocate for the appellants.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 11.02.2025 passed by learned Single Bench whereby CWP-25777-2023 filed by respondent has been allowed.

2. Brief facts necessary for adjudication of the matter are that CWP-25777-2023 was filed by respondent/writ petitioner with a grievance that he was not being awarded the Doctorate Degree even though he had been given No Objection and Good Conduct certificate at the time of submission of his thesis and an arbitrary condition had been imposed illegally upon writ petitioner for refunding the scholarship amount, which he

LPA-791-2025

had received while undergoing the Doctorate Program. It was pleaded by writ petitioner that he was a topper in the merit list for Ph.D. during academic session 2013-14. He took admission for Ph.D. after completion of his Post Graduation in Law (LLM). After being admitted to Ph.D. vide communication dated 30.01.2015 w.e.f. 03.11.2014, writ petitioner completed his research work and also appeared for the viva voce on designated time. However, his name did not figure for award of degree of Ph.D in notification dated 30.01.2021 which was issued. In reply to representation dated 07.07.2021, it was communicated to writ petitioner vide letter dated 05.08.2021 that award of Degree to writ petitioner was put on hold on the ground of irregularities/violation of Rules and Ordinances, pending decision/outcome/report of the Fact Finding Committee. It was pleaded that copy of complaints on the basis of which Fact Finding Committee was constituted were never supplied to writ petitioner. As writ petitioner was enrolled as an Advocate, complaint was also forwarded to the Bar Council of Punjab and Haryana by the University, where writ petitioner filed his reply and appeared in person but complainant remained absent. Said complaint was dismissed on 26.02.2021 with cost of Rs. 50,000/-.

3. Inaction on the part of appellants in not awarding the Degree was challenged by petitioner by way of CWP-17381-2021. During pendency of said writ petition, Academic Council of University in its meeting held on 20.10.2023 resolved that in case Degree of Ph.D. is to be awarded, he has to refund the amount of Rs.4,95,833/- which he received as University Research Scholarship (URS). It was observed that writ petitioner had taken admission for the Diploma course in Tabla without intimating the

LPA-791-2025

University. CWP-17381-2021 was withdrawn by writ petitioner with liberty to challenge decision dated 20.10.2023 of the Academic Council of the University. Subsequently, CWP-25777-2023 was filed by the writ petitioner. Matter was contested by the present appellants with written statement being filed on its behalf.

4. Learned Single Bench on considering the facts and circumstances concluded that writ petitioner is entitled to Doctorate Degree which he had already completed without insistence upon refund of scholarship amount. It was held that writ petitioner had undergone Diploma in Tabla in the Department of Music as part time and that too in the evening courses which is a claim squarely covered under Clause 10(ii) of Ordinance for Registration and Award of the Directorate of Philosophy. Aggrieved therefrom, present appeal has been filed by the appellant – University.

5. Learned counsel for appellants submits that impugned order dated 11.02.2025 has been erroneously passed by learned Single Bench. It is further submitted that pursuant to recommendation by Academic Council, matter was duly considered by Vice Chancellor of appellant – University. Upon considering Report dated 20.02.2023, it was found by Vice Chancellor that writ petitioner was guilty of grave misconduct inasmuch he intentionally suppressed material information from the University on two counts. He took admission in Full time Ph.D. program in the Department of Law without disclosing the fact that he is a practicing Lawyer and that he took admission in Diploma course in Tabla in MDU's Department of Music during 2018-19 session without disclosing the fact of him simultaneously pursuing Ph.D. with the Department of Laws at MDU beside being beneficiary of URS. It is

LPA-791-2025

further submitted that Vice Chancellor balanced the interest of student with overall interest of University and while finding it harsh to deny the Degree to writ petitioner who had admittedly pursued the course of University for more than four years, directed that interest of justice would be met by release of Degree to writ petitioner after he fulfilled all other conditions in this respect and subject to the condition that URS to the tune of Rs.4,95,833/- received by him be returned. This amount was directed to be refunded to the University immediately. Learned counsel for appellants submits that in given circumstances, impugned order dated 11.02.2025 has been incorrectly passed by learned Single Bench. It is, thus, prayed that this appeal be allowed.

6. We have heard learned counsel for appellants and have perused the file with his able assistance.

7. We have carefully perused Clause 10(i) and (ii) of the Relevant Ph.D Ordinance as well as Clause 9(a) and 9(b) of URS Ordinance. It is the specific case of writ petitioner that as he was active in politics apart from regular studies, complaint was filed against him due to extraneous considerations. It is further the specific case of writ petitioner that though he had enrolled with Bar Council in year 2011 he filed his first Power of Attorney in Court of Law in the year 2020 and prior thereto he concentrated only on his studies. This averment has not been controverted specifically in the written statement filed on behalf of appellant – University. Leaned counsel for appellants was unable to point out any bar, which may be applicable upon writ petitioner to pursue his Ph.D while being enrolled as an Advocate. Admittedly, writ petitioner undertook the diploma course in

LPA-791-2025

Tabla on a part time basis in the same University and that too in the evening classes. It has been correctly held by learned Single Bench that such would not interfere with the studies of the writ petitioner insofar as his pursuit in the Doctorate in Laws was concerned. Thus, in our considered opinion order dated 11.02.2025 has been correctly passed and writ petitioner is indeed entitled to Degree in Doctorate in the program of Laws without insistence upon refund of the scholarship amount.

8. Learned counsel for appellants is unable to point out any illegality, infirmity or irregularity in impugned order dated 11.02.2025 which calls for interference.

9. No other argument has been addressed.

10. Appeal being devoid of any merit is, thus, dismissed.

11. Pending application(s), if any, stand(s) dismissed.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

July 08, 2025

Rts

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No